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## PRE-APPEAL BRIEF REQUEST FOR REVIEW

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on OCTOBER 7, 2008

Signature William J. Clemens

Typed or printed name William J. CLEMENS

Docket Number (Optional)

15662

Application Number

09/940,117

Filed

August 28, 2001

First Named Inventor

Robibero

Art Unit

3622

Examiner

J. Van Bramer

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

applicant/inventor.

assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

attorney or agent of record. 26,855  
Registration number \_\_\_\_\_

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 \_\_\_\_\_

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October 7, 2008

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.  
Submit multiple forms if more than one signature is required, see below.

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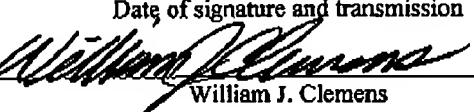
OCT 07 2008

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By



William J. Clemens

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ROBIBERO	)	Group Art Unit: 3622
	)	
Serial No.: 09/940,117	)	Examiner: J. Van Bramer
	)	
Filed: August 28, 2001	)	Attorney Docket: 15662
	)	
For: APPARATUS AND METHOD FOR USING EQUIPMENT REMOTE ...	)	Confirmation No.: 3920

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Honorable Sir:

Review of the above-identified application is requested for the following reasons:

1. In the Final Office Action (FOA) dated July 8, the Examiner maintained the rejection of Claims 36 and 37 under 35 U.S.C. 112, second paragraph. (FOA Page 2)
2. Claims 18 and 35 recite that the operating parameters include "at least one of a usage parameter, an environmental parameter and mechanical deterioration". Claims 37 and 36 depend from Claims 18 and 35 respectively and recite that the operating parameters include "said usage parameter" and further define the usage parameter. Applicant submits that the wording of Claims 36 and 37 meets the requirements of 35 U.S.C. 112, second paragraph.
3. The Examiner rejected Claims 18-27, 37 and 39 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Examiner stated that Amended independent Claim 18 recites an input means located at and connected to an installation. However, the Examiner cannot locate, in the Applicant's specification, an input

15662

means that is required to be located at an installation. Instead, the Examiner finds that Page 7, lines 8-30 of the Applicant's specification specifically discloses an input means which is remotely located. (FOA Page 3)

4. The 'input means" recited in Claim 18 includes the remote monitor interface 14 installed with the equipment system 12 such as an elevator system or an escalator system. (Specification Page 6, Line 21 through Page 7, Line 5; Fig. 1; Claim 24)

5. The Examiner rejected Claims 38 and 39 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner stated that independent Claims 35 and 18 do not require that an environmental parameter be present and without a requirement that the environmental parameter be present the dependent claims fail to further limit the parent claim. (FOA Pages 3-4)

6. Claims 18 and 35 recite that the operating parameters include "at least one of a usage parameter, an environmental parameter and mechanical deterioration". Claims 39 and 38 depend from Claims 18 and 35 respectively and recite that the operating parameters include "said environmental parameter" and further define the environmental parameter. Applicant submits that the wording of Claims 38 and 39 meets the requirements of 35 U.S.C. 112, second paragraph.

7. The Examiner rejected Claims 18-20 and 22-39 under 35 U.S.C. 103(a) as being unpatentable over Gronemeyer et al. (US 6363359) in view of Ives et al. ("After the Sale: Leveraging Maintenance with Information Technology"). (FOA Page 4)

8. Applicant's Claim 18 recites that the input means is located at the elevator or escalator installation. The Examiner refers to Gronemeyer (Col. 2, Lines 51-57; and Col. 3, Line 11 through Col. 4, Line 24) as including such an input means (FOA Pages 4-5) which could be the forms, the human interface for electing the information to send, and the sentinel (FOA Pages 17-18). However, none of these "input devices" receives dynamic parametric information as recited in Claim 18. (March 13, 2008 Amendment, Pages 16-17)

Claims 18 and 35 recite that the dynamic parametric data information is suitable for service purposes. As explained on Page 6, Lines 20-32 of Applicant's specification, the parametric data represents the process operating conditions of the customer equipment.

Therefore, it is dynamic data that is subject to changes as the customer installation being monitored is operated. In contrast, Gronemeyer (Col. 2, Lines 41-65) discloses that the server interacts with a sentinel that resides on the client computing device. The sentinel is responsible for inspecting the client computing device and for determining the needed goods (software or hardware) based on the static configuration data of the inspected device. The configuration of the currently installed hardware and software is not changing during operation of the client computing device. Also note that the Gronemeyer sentinel is queried only when the client web browser contacts a web site of a provider of goods or services. (Fig. 1; Step 56) Thus, the server receives only the static data in the log file at the time of the query.

9. The Examiner rejected Claim 21 under 35 U.S.C. 103(a) as being unpatentable over Gronemeyer et al. (US 6363359) in view of Ives et al. ("After the Sale: Leveraging Maintenance with Information Technology") further in view of Palme et al. (RFC 2557, MIME Encapsulation of Aggregate Documents, such as HTML). (FOA Pages 16-17)

10. Claim 21 recites that the web server generates the sales offer as an e-mail message for transmission to the customer. Ives (Page 13, Col. 1, Lines 3-19) merely states that Otis Elevator has begun equipping elevators with self-diagnostic control systems that automatically notify OTIS when maintenance is required. No details about the system are given. The combination of Gronemeyer and Ives teaches an offering system for computers and spare parts used in elevator systems whereas the need for replacement is based on static data and not on generated dynamic parametric data. Palme describes MIME formatted messages for transmission of complete multi-resource HTML multimedia documents and does not provide the missing claimed subject matter.

Respectfully submitted,



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15662